

By Silber

H.B. No. _____

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the Texas Water Quality Board to declare certain products ecological contaminants and to take appropriate action; amending Section 1.03 of Subchapter A, and Subchapter C, Texas Water Quality Act, as amended (Article 7621d-1, Vernon's Texas Civil Statutes); and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Section 1.03, Subchapter A, Texas Water Quality Act, as amended (Article 7621d-1, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1.03. DEFINITIONS. As used in this Act, unless the context requires a different definition:

"(1) 'person' means individual, corporation, organization, government or governmental subdivision or agency, business trust, partnership, association, or any other legal entity;

"(2) 'board' means the Texas Water Quality Board;

"(3) 'executive director' means the executive director of the Texas Water Quality Board;

"(4) 'water' or 'water in the state' means groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Gulf of Mexico within the territorial limits of the State of Texas, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially within or bordering the state or within the jurisdiction of the state;

"(5) 'waste' means sewage, industrial waste, municipal waste, recreational waste, agricultural waste, or other waste, as defined in this section;

"(6) 'sewage' means water-borne human waste and waste from domestic activities, such as washing, bathing and food preparation;

"(7) 'municipal waste' means water-borne liquid, gaseous, or solid substances that result from any discharge from a publicly owned sewer system, treatment facility, or disposal system;

"(8) 'recreational waste' means water-borne liquid, gaseous, or solid substances that emanate from any public or private park, beach, or recreational area;

"(9) 'agricultural waste' means water-borne liquid, gaseous, or solid substances that arise from the agriculture industry and agricultural activities, including without limitation agricultural animal feeding pens and lots, structures for housing and

1 feeding agricultural animals, and processing facilities for agri-
2 cultural products; the term 'agricultural waste' does not include
3 tailwater or runoff water from irrigation, or rainwater runoff
4 from cultivated or uncultivated range lands, pasture lands and
5 farm lands, and these items are, if they may cause impairment of
6 the quality of the water in the state, included in the term
7 'other waste';

8 "(10) 'industrial waste' means water-borne liquid, gase-
9 ous, or solid substances that result from any process of indus-
10 try, manufacturing, trade, or business;

11 "(11) 'other waste' means garbage, refuse, decayed wood,
12 sawdust, shavings, bark, sand, lime, cinders, ashes, offal, oil,
13 tar, dyestuffs, acids, chemicals, salt water, or any other sub-
14 stance, other than sewage, industrial waste, municipal waste,
15 recreational waste, or agricultural waste, that may cause impair-
16 ment of the quality of water in the state; 'other waste' also
17 includes tailwater or runoff water from irrigation, or rainwater
18 runoff from cultivated or uncultivated range lands, pasture lands
19 and farm lands, that may cause impairment of the quality of the
20 water in the state;

21 "(12) 'pollution' means the alteration of the physical,
22 thermal, chemical, or biological quality of, or the contamination
23 of, any water in the state that renders the water harmful, detri-
24 mental or injurious to humans, animal life, vegetation, or prop-
25 erty or to public health, safety, or welfare, or impairs the
26 usefulness or the public enjoyment of the water for any lawful
27 or reasonable purpose;

28 "(13) 'sewer system' means pipelines, conduits, storm
29 sewers, canals, pumping stations, force mains, and all other con-
30 structions, devices, and appurtenant appliances used to transport
31 waste;

32 "(14) 'treatment facility' means any plant, disposal
33 field, lagoon, incinerator, area devoted to sanitary landfills,
34 or other facility installed for the purpose of treating, neutral-
35 izing or stabilizing waste;

36 "(15) 'disposal system' means any system for disposal of
37 waste, including sewer systems and treatment facilities;

38 "(16) 'local government' means an incorporated city, a
39 county, a river authority, or a water district or authority act-
40 ing under Article III, Section 52, or Article XVI, Section 59, of
41 the Texas Constitution;

42 "(17) 'permit' means an order issued by the board in
43 accordance with the procedures prescribed in this Act establish-
44 ing the treatment which shall be given to wastes being discharged
45 into or adjacent to any water in the state to preserve and
46 enhance the quality of the water, and specifying the conditions
47 under which the discharge may be made;

48 "(18) 'to discharge' includes to deposit, conduct, drain,
49 emit, throw, run, allow to seep, or otherwise release or dispose
50 of; or to allow, permit or suffer any such act or omission;

51 "(19) 'rule' includes regulation;

52 "(20) 'product' includes any single product, product
53 group, and class of products which are not safe for human con-
54 sumption or medicinal use by established custom or certification
55 by the United States Food and Drug Administration; and

1 "(21) 'normal use' means to utilize and discard in accor-
2 dance with instructions on the label, in the package, or in an
3 advertisement or in accordance with the seller's intent as
4 exhibited by specific guidance, traditional practices, or common
5 use."

6 Sec. 2. Subchapter C, Texas Water Quality Act, as amended
7 (Article 7621d-1, Vernon's Texas Civil Statutes), is amended to
8 add a new Section 3.35 to read as follows:

9 ~~Section 3.35. ECOLOGICAL CONTAMINANTS. (a) On its own~~
10 ~~motion or on complaint of any person, the board shall investigate~~
11 ~~any product or any ingredient or component of any product sold in~~
12 ~~Texas which in its normal use will be discharged as sewage into~~
13 ~~any disposal system or discharged as municipal waste and which is~~
14 ~~alleged to be incapable of being properly treated by a disposal~~
15 ~~system thus causing it when it is discharged from a disposal sys-~~
16 ~~tem to pollute or have an adverse effect on the ecological bal-~~
17 ~~ance of the receiving body of water or within the stream system~~
18 ~~of which the receiving body of water is a part.~~

19 ~~"(b) If the board's investigation reveals that the allega-~~
20 ~~tions against the product or any ingredient or component of the~~
21 ~~product are valid, the board shall give notice and hold a hearing~~
22 ~~to determine if the product should be declared to be an ecolog-~~
23 ~~ical contaminant and if so shall issue an order pursuant to Sub-~~
24 ~~section (c) of this section.~~

25 ~~"(c) At the conclusion of the hearing, the board shall~~
26 ~~make its findings, and if the board finds that the product or any~~
27 ~~ingredient or component of the product is incapable of being~~
28 ~~properly treated by a disposal system thus causing it when it is~~
29 ~~discharged from the disposal system to pollute or have an adverse~~
30 ~~effect on the ecological balance of the receiving body of water~~
31 ~~or within the stream system of which the receiving body of water~~
32 ~~is a part, it shall declare the product to be an ecological con-~~
33 ~~taminant and shall do one of the following:~~

34 ~~"(1) issue an order prohibiting the sale of the product~~
35 ~~within the state to be effective one year after the board issues~~
36 ~~the order;~~

37 ~~"(2) issue an order directing the manufacturer or producer~~
38 ~~of the product to restructure it within two years after the~~
39 ~~board issues the order according to guidelines set by the board~~
40 ~~so that the product will no longer constitute an ecological con-~~
41 ~~taminant or the further sale of the product will be prohibited;~~
42 ~~or~~

43 ~~"(3) if the public interest demands that the product in~~
44 ~~its present form be available for public use, issue an order~~
45 ~~directing all disposal systems receiving the product to be~~
46 ~~altered to properly treat the product within the four-year period~~
47 ~~following the board's order so that the product will no longer~~
48 ~~constitute an ecological contaminant or the further operation of~~
49 ~~the disposal system will be prohibited until it is properly~~
50 ~~altered.~~

51 ~~"(d) The board may make rules and regulations necessary to~~
52 ~~carry out the provisions of this section.~~

53 ~~Sec. 3. The importance of this legislation and the crowded~~
54 ~~condition of the calendars in both houses create an emergency and~~

1 an imperative public necessity that the Constitutional Rule
2 requiring bills to be read on three several days in each house be
3 suspended, and this Rule is hereby suspended, and that this Act
4 take effect and be in force from and after its passage, and it is
5 so enacted.
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FORM B

(For favorable reports on bills where committee amendments other than "committee substitutes" are recommended; and for resolutions where committee amendments, including complete substitutes, are recommended.)

COMMITTEE REPORT

Date May 10, 1971

HON. G. F. (GUS) MUTSCHER

Speaker of the House of Representatives.

Sir:

We, your Committee on State Affairs, to whom was referred H.B. No. 897, have had the same under consideration

and beg to report back with recommendation that it do pass, as amended, and be printed.

The Bill was reported from Committee by the following vote:

Unanimous voice vote

~~Unanimous voice vote~~

J. B. Slides

Chairman.

(In the case of simple and concurrent resolutions the words "and be printed" should be stricken out since resolutions are printed in the Journal when they are first introduced.)

The word "not" should be inserted before "printed" only in case of a local bill reported favorably with amendments and ordered not printed, which is customary for local bills.)

By: Silber

H. B. No. 897

(In the House. -- Filed March 4, 1971; March 9, 1971, read first time and referred to Committee on State Affairs: May 11, 1971, reported favorably by unanimous voice vote, as amended, sent to Printer.)

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the Texas Water Quality Board to declare certain products ecological contaminants and to take appropriate action; amending Section 1.03 of Subchapter A, and Subchapter C, Texas Water Quality Act, as amended (Article 7621d-1, Vernon's Texas Civil Statutes); and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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"(3) 'executive director' means the executive director of the Texas Water Quality Board;

"(4) 'water' or 'water in the state' means groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Gulf of Mexico within the territorial limits of the State of Texas, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially within or bordering the state or within the jurisdiction of the state;

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"(8) 'recreational waste' means water-borne liquid, gaseous, or solid substances that emanate from any public or private park, beach, or recreational area;

"(9) 'agricultural waste' means water-borne liquid, gaseous, or solid substances that arise from the agriculture industry and agricultural activities, including without limitation agricultural animal feeding pens and lots, structures for housing and

1 feeding agricultural animals, and processing facilities for agri-
2 cultural products; the term 'agricultural waste' does not include
3 tailwater or runoff water from irrigation, or rainwater runoff
4 from cultivated or uncultivated range lands, pasture lands and
5 farm lands, and these items are, if they may cause impairment of
6 the quality of the water in the state, included in the term
7 'other waste';

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9 ous, or solid substances that result from any process of indus-
10 try, manufacturing, trade, or business;

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13 tar, dyestuffs, acids, chemicals, salt water, or any other sub-
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19 and farm lands, that may cause impairment of the quality of the
20 water in the state;

21 "(12) 'pollution' means the alteration of the physical,
22 thermal, chemical, or biological quality of, or the contamination
23 of, any water in the state that renders the water harmful, detri-
24 mental or injurious to humans, animal life, vegetation, or prop-
25 erty or to public health, safety, or welfare, or impairs the
26 usefulness or the public enjoyment of the water for any lawful
27 or reasonable purpose;

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29 sewers, canals, pumping stations, force mains, and all other con-
30 structions, devices, and appurtenant appliances used to transport
31 waste;

32 "(14) 'treatment facility' means any plant, disposal
33 field, lagoon, incinerator, area devoted to sanitary landfills,
34 or other facility installed for the purpose of treating, neutral-
35 izing or stabilizing waste;

36 "(15) 'disposal system' means any system for disposal of
37 waste, including sewer systems and treatment facilities;

38 "(16) 'local government' means an incorporated city, a
39 county, a river authority, or a water district or authority act-
40 ing under Article III, Section 52, or Article XVI, Section 59, of
41 the Texas Constitution;

42 "(17) 'permit' means an order issued by the board in
43 accordance with the procedures prescribed in this Act establish-
44 ing the treatment which shall be given to wastes being discharged
45 into or adjacent to any water in the state to preserve and
46 enhance the quality of the water, and specifying the conditions
47 under which the discharge may be made;

48 "(18) 'to discharge' includes to deposit, conduct, drain,
49 emit, throw, run, allow to seep, or otherwise release or dispose
50 of; or to allow, permit or suffer any such act or omission;[and]

51 "(19) 'rule' includes regulation;[.]

52 "(20) 'product' includes any single product, product
53 group, and class of products which are not safe for human con-
54 sumption or medicinal use by established custom or certification
55 by the United States Food and Drug Administration; and

1 "(21) 'normal use' means to utilize and discard in accor-
2 dance with instructions on the label, in the package, or in an
3 advertisement or in accordance with the seller's intent as
4 exhibited by specific guidance, traditional practices, or common
5 use."

6 Sec. 2. Subchapter C, Texas Water Quality Act, as amended
7 (Article 7621d-1, Vernon's Texas Civil Statutes), is amended to
8 add a new Section 3.35 to read as follows:

9 "Section 3.35. ECOLOGICAL CONTAMINANTS. (a) On its own
10 motion or on complaint of any person, the board shall investigate
11 any product or any ingredient or component of any product sold in
12 Texas which in its normal use will be discharged as sewage into
13 any disposal system or discharged as municipal waste and which is
14 alleged to be incapable of being properly treated by a disposal
15 system thus causing it when it is discharged from a disposal sys-
16 tem to pollute or have an adverse effect on the ecological bal-
17 ance of the receiving body of water or within the stream system
18 of which the receiving body of water is a part.

19 "(b) If the board's investigation reveals that the allega-
20 tions against the product or any ingredient or component of the
21 product are valid, the board shall give notice and hold a hearing
22 to determine if the product should be declared to be an ecolog-
23 ical contaminant and if so shall issue an order pursuant to Sub-
24 section (c) of this section.

25 "(c) At the conclusion of the hearing, the board shall
26 make its findings, and if the board finds that the product or any
27 ingredient or component of the product is incapable of being
28 properly treated by a disposal system thus causing it when it is
29 discharged from the disposal system to pollute or have an adverse
30 effect on the ecological balance of the receiving body of water
31 or within the stream system of which the receiving body of water
32 is a part, it shall declare the product to be an ecological con-
33 taminant and shall do one of the following:

34 "(1) issue an order prohibiting the sale of the product
35 within the state to be effective one year after the board issues
36 the order;

37 "(2) issue an order directing the manufacturer or producer
38 of the product to restructure it within two years after the
39 board issues the order according to guidelines set by the board
40 so that the product will no longer constitute an ecological con-
41 taminant or the further sale of the product will be prohibited;
42 or

43 "(3) if the public interest demands that the product in
44 its present form be available for public use, issue an order
45 directing all disposal systems receiving the product to be
46 altered to properly treat the product within the four-year period
47 following the board's order so that the product will no longer
48 constitute an ecological contaminant or the further operation of
49 the disposal system will be prohibited until it is properly
50 altered.

51 "(d) The board may make rules and regulations necessary to
52 carry out the provisions of this section."

53 Sec. 3. The importance of this legislation and the crowded
54 condition of the calendars in both houses create an emergency and

1 an imperative public necessity that the Constitutional Rule
2 requiring bills to be read on three several days in each house be
3 suspended, and this Rule is hereby suspended, and that this Act
4 take effect and be in force from and after its passage, and it is
5 so enacted.
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COMMITTEE AMENDMENT NO. 1

Change Sec. 2 as follows:

Strike Section 3.35 (a), (b) and the first paragraph of (c) down to and including line 33 and in lieu thereof substitute the following:

"Section 3.35. ECOLOGICAL CONTAMINANTS. (a) The Board shall have the power, within the limits of available funds and staff, to investigate by contract, cooperative agreement or otherwise any product or any ingredient or component of any product sold in Texas which in its normal use will be discharged as municipal waste in order to determine whether it is capable of proper treatment by existing treatment facilities.

"(b) The Board, after a public hearing, may declare any product or any ingredient or component of any product sold in Texas to be an ecological contaminant if

"(1) it is incapable of proper treatment by existing treatment facilities such that when it is discharged from treatment facilities it results in widespread pollution or has a substantially adverse effect on the receiving body of water or within the stream system of which the receiving body of water is a part, and

"(2) the benefits of continued use of the product, the scarcity of substitutes for the product, and other merits of the product, both tangible and intangible, are outweighed by the danger of existing or potential degradation of the waters of the state.

"(c) If the Board declares any product or any ingredient or component of any product to be an ecological contaminant, it shall do one of the following: "

Clayton

COMMITTEE REPORT

COMMITTEE ROOM

Austin, Texas, May 10, 1971

Hon. G. F. (Gus) Mutscher, Speaker of the House of Representatives.

SIR: We, your Committee on State Affairs, to whom was referred H. B. No. 897, have had the same under consideration and beg to report back with recommendation that it do pass, as amended, and be printed.

James L. Slider, Chairman

BILL ANALYSIS

Background Information:

Sec. 1.03, Subchapter A, Art. 7621d-1 defines certain words applicable to the Act.

Subchapter C, Art. 7621d-1, relates to the powers and duties of the Texas Water Quality Board.

What The Bill Proposes To Do:

Gives the Texas Water Quality Board the authority to declare certain products ecological contaminants.

Section By Section Analysis:

Section 1. Amends Section 1.03, Subchapter A, Texas Water Quality Act, Article 7621d-1, V.T.C.S. by adding the definitions:

- (20) "product" meaning products not safe for human consumption or medicinal use as established by certification or custom of the United States Food and Drug Administration.
- (21) "normal use" meaning to utilize and discard in accordance with specific instructions or customary usage.

Sec. 2. Amends Subchapter C, Art. 7621d-1, V.T.C.S. by adding:

- (a) Provides that the Board may investigate a product alleged to be an ecological contaminant.
- (b) After a hearing if the Board determines that the product is incapable of being properly treated by a disposal system or have an adverse effect on the ecological balance on the receiving body of water it shall, it may declare such product an ecological contaminant.
- (c) If the Board so determines, it shall,
 - (1) issue an order prohibiting the sale of the product to be effective 1 year after the board issues the order.
 - (2) issue an order to the manufacturer of the product to restructure it within two years to such an extent that it no longer constitutes an ecological contaminant.
 - (3) if the public interests requires that the product in its present form be available, issue an order directing all disposal systems receiving the product to be altered to properly treat the product within a four year period.
- (d) Provides that the Board may promulgate necessary rules and regulations.

Sec. 3. Emergency Clause.

Summary of Committee Action:

H. B. 897 passed by a unanimous voice vote.

Olney

Change Sec. 2 as follows:

Strike Section 3.35 (a), (b) and the first paragraph of (c) down to and including line 33 and in lieu thereof substitute the following:

Insert ①

"Section 3.35. ECOLOGICAL CONTAMINANTS. (a) The Board shall have the power, within the limits of available funds and staff, to investigate by contract, cooperative agreement or otherwise any product or any ingredient or component of any product sold in Texas which in its normal use will be discharged as municipal waste in order to determine whether it is capable of proper treatment by existing treatment facilities.

"(b) The Board, after a public hearing, may declare any product or any ingredient or component of any product sold in Texas to be an ecological contaminant if

"(1) it is incapable of proper treatment by existing treatment facilities such that when it is discharged from treatment facilities it results in widespread pollution or has a substantially adverse effect on the receiving body of water or within the stream system of which the receiving body of water is a part, and

"(2) the benefits of continued use of the product, the scarcity of substitutes for the product, and other merits of the product, both tangible and intangible, are outweighed by the danger of existing or potential degradation of the waters of the state.

"(c) If the Board declares any product or any ingredient or component of any product to be an ecological contaminant, it shall do one of the following:①

DATE MAY 25 1971

READ AND ADOPTED

[Signature]
CHIEF CLERK
HOUSE OF REPRESENTATIVES

2RC

CMB

Clark

②

Amend House Committee amendment to House Bill 897 by adding at the end of Section 3.35, a new paragraph reading as follows:

Insert
② →

" (e) no ingredient or component of a product shall be declared an ecological contaminant if the United States or any federal department or agency has set or approved weight, percentage, or other standards relating to the inclusion or use of such ingredient or component in the product."

DATE MAY 25 1971
READ AND ADOPTED
Dorothy Hallman
CHIEF CLERK
HOUSE OF REPRESENTATIVES

SRC

cm F

By: Silber

H.B. No. 897

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the Texas Water Quality Board to declare certain products ecological contaminants and to take appropriate action; amending Section 1.03 of Subchapter A, and Subchapter C, Texas Water Quality Act, as amended (Article 7621d-1, Vernon's Texas Civil Statutes); and declaring an emergency. _____

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Section 1.03, Subchapter A, Texas Water Quality Act, as amended (Article 7621d-1, Vernon's Texas Civil Statutes), is amended to read as follows: _____

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"(1) 'person' means individual, corporation, organization, government or governmental subdivision or agency, business trust, partnership, association, or any other legal entity; _____

"(2) 'board' means the Texas Water Quality Board; _____

"(3) 'executive director' means the executive director of the Texas Water Quality Board; _____

"(4) 'water' or 'water in the state' means groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Gulf of Mexico within the territorial limits of the State of Texas, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable_____

or non-navigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially within or bordering the state or within the jurisdiction of the state; _____

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"(9) 'agricultural waste' means water-borne liquid, gaseous, or solid substances that arise from the agriculture industry and agricultural activities, including without limitation agricultural animal feeding pens and lots, structures for housing and feeding agricultural animals, and processing facilities for agricultural products; the term 'agricultural waste' does not include tailwater or runoff water from irrigation, or rainwater runoff from cultivated or uncultivated range lands, pasture lands and farm lands, and these items are, if they may cause impairment of the quality of the water in the state, included in the term 'other waste'; _____

"(10) 'industrial waste' means water-borne liquid, gaseous, or solid substances that result from any process of industry, manufacturing, trade, or business; _____

"(11) 'other waste' means garbage, refuse, decayed wood, sawdust, shavings, bark, sand, lime, cinders, ashes, offal, oil, tar, dyestuffs, acids, chemicals, salt water, or any other substance, other than sewage, industrial waste, municipal waste, recreational waste, or agricultural waste, that may cause impairment of the quality of water in the state; 'other waste' also includes tailwater or runoff water from irrigation, or rainwater runoff from cultivated or uncultivated range lands, pasture lands and farm lands, that may cause impairment of the quality of the water in the state; _____

"(12) 'pollution' means the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the state that renders the water harmful, detrimental or injurious to humans, animal life, vegetation, or property or to public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose; _____

"(13) 'sewer system' means pipelines, conduits, storm sewers, canals, pumping stations, force mains, and all other constructions, devices, and appurtenant appliances used to transport waste; _____

"(14) 'treatment facility' means any plant, disposal field, lagoon, incinerator, area devoted to sanitary landfills, or other facility installed for the purpose of treating, neutralizing or stabilizing waste; _____

"(15) 'disposal system' means any system for disposal of waste, including sewer systems and treatment facilities; _____

"(16) 'local government' means an incorporated city, a county, a river authority, or a water district or authority acting under Article III, Section 52, or Article XVI, Section 59, of the Texas Constitution; _____

"(17) 'permit' means an order issued by the board in accordance with the procedures prescribed in this Act establishing the treatment which shall be given to wastes being discharged into or adjacent to any water in the state to preserve and enhance the quality of the water, and specifying the conditions under which the discharge may be made; _____

"(18) 'to discharge' includes to deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of; or to allow, permit or suffer any such act or omission; _____

"(19) 'rule' includes regulation; _____

"(20) 'product' includes any single product, product group, and class of products which are not safe for human consumption or medicinal use by established custom or certification by the United States Food and Drug Administration; and _____

"(21) 'normal use' means to utilize and discard in accordance with instructions on the label, in the package, or in an advertisement or in accordance with the seller's intent as exhibited by specific guidance, traditional practices, or common use." _____

Sec. 2. Subchapter C, Texas Water Quality Act, as amended (Article 7621d-1, Vernon's Texas Civil Statutes), is amended to add a new Section 3.35 to read as follows: _____

"Section 3.35. ECOLOGICAL CONTAMINANTS. (a) The Board shall have the power, within the limits of available funds and staff, to investigate by contract, cooperative agreement or otherwise any product or any ingredient or component of any product sold in Texas which in its normal use will be discharged as municipal waste in order to determine whether it is capable of proper treatment by existing treatment facilities. _____

"(b) The Board, after a public hearing, may declare any product or any ingredient or component of any product sold in Texas to be an ecological contaminant if _____

"(1) it is incapable of proper treatment by existing treatment facilities such that when it is discharged from treatment facilities it results in widespread pollution or has a substantially adverse effect on the receiving body of water or within the stream system of which the receiving body of water is a part, and _____

"(2) the benefits of continued use of the product, the scarcity of substitutes for the product, and other merits of the product, both tangible and intangible, are outweighed by the danger of existing or potential degradation of the waters of the state. _____

"(c) If the Board declares any product or any ingredient or component of any product to be an ecological contaminant, it shall do one of the following: _____

"(1) issue an order prohibiting the sale of the product within the state to be effective one year after the board issues the order; _____

"(2) issue an order directing the manufacturer or producer of the product to restructure it within two years after the board issues the order according to guidelines set by the board so that the product will no longer constitute an ecological contaminant or the further sale of the product will be prohibited; or _____

"(3) if the public interest demands that the product in its present form be available for public use, issue an order directing all disposal systems receiving the product to be altered to properly treat the product within the four-year period following the board's order so that the product will no longer constitute an ecological contaminant or the further operation of the disposal system will be prohibited until it is properly altered. _____

"(d) The board may make rules and regulations necessary to carry out the provisions of this section. _____

"(e) No ingredient or component of a product shall be declared an ecological contaminant if the United States or any federal department or agency has set or approved weight, percentage, or other standards relating to the inclusion or use of such ingredient or component in the product." _____

Sec. 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act _____

H.B. No. 897

take effect and be in force from and after its passage, and it is
so enacted. _____

H.B. No. 897

By Silber

A BILL TO BE ENTITLED
AN ACT

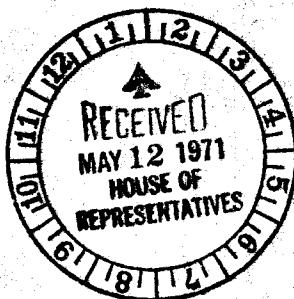
relating to the authority of the Texas Water Quality Board to declare certain products ecological contaminants and to take appropriate action; amending Section 1.03 of Subchapter A, and Subchapter C, Texas Water Quality Act, as amended (Article 7621d-1, Vernon's Texas Civil Statutes); and declaring an emergency.

FILED MAR 4 - 1971
MAR 9 1971
READ 1ST TIME
AND REFERRED TO COMMITTEE ON

State Affairs

Dorothy Hallman
Chief Clerk, House of Representatives

MAY 11 1971 REPORTED FAVORABLY AS AMENDED SENT TO PRINTER



PRINTED, DISTRIBUTED AND
REFERRED TO COMMITTEE ON
RULES 2:30 P.M.
(Time)

MAY 15 1971
(Date)

MAY 25 1971

READ SECOND
TIME Amended AND

ORDERED ENGROSSED

Dorothy Hallman

Chief Clerk, House of Representatives

MAY 25 1971

Constitutional
Rule requiring bills to be read on
three several days suspended by
a four-fifths vote.
Yeas 135 Nays 8

Dorothy Hallman

Chief Clerk, House of Representatives

MAY 25 1971

Read third time

and Passed

by following vote: yeas 135

Nays 8

Dorothy Hallman

Chief Clerk

HOUSE OF REPRESENTATIVES

MAY 25 1971

MOTION TO RECONSIDER THE VOTE BY
WHICH HB 897 WAS
ADOPTED / PASSED AND TO TABLE THE MOTION TO RECONSIDER
PREVAILED PASSED BY A yeas 135 NAYS 8

AYES AND 135 NAYS 8
Dorothy Hallman
CHIEF CLERK HOUSE OF REPRESENTATIVES

MAY 25 1971 SENT TO ENGROSSING CLERK

By: Silber

H.B. No. 897

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the Texas Water Quality Board to declare certain products ecological contaminants and to take appropriate action; amending Section 1.03 of Subchapter A, and Subchapter C, Texas Water Quality Act, as amended (Article 7621d-1, Vernon's Texas Civil Statutes); and declaring an emergency.

3- 4-71 Filed. _____

3- 9-71 Read first time and referred to Committee on State Affairs. _____

5-11-71 Reported favorably as amended, sent to printer. _____

5-12-71 Printed, distributed and referred to Committee on Rules at 2:30 p.m. _____

5-25-71 Read second time, amended and ordered engrossed by a non-record vote. _____

5-25-71 Constitutional Rule requiring bills to be read on three several days suspended by a four-fifths vote: Yeas 135, Nays 8. _____

5-25-71 Read third time and passed by a non-record vote. _____

Dorothy Hallman
Chief Clerk, H. of R.

5-25-71 Sent to Engrossing Clerk. _____

5-25-71 Engrossed. _____

Orea Suggins
Engrossing Clerk, H. of R.

MAY 26 1971

RETURNED FROM ENGROSSING CLERK SENT TO THE SENATE

MAY 26 1971

Received from the House

MAY 26 1971

Water and Conservation

Read, referred to Committee on

Reported favorably.

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed.

Regular order of business suspended by

(unanimous consent.

(years, nays.

To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of years, nays.

Read second time passed to third reading.

Caption ordered amended to conform to body of bill.

Senate and Constitutional 3-Day Rules suspended by vote of

years, nays to place bill on third reading and final passage.

Read third time and passed by (a viva-voce vote.

(years, nays.

OTHER ACTION:

Secretary of the Senate

Returned to HOUSE

Wate